

REMARKS

The Examiner has finally rejected claims 2, 14, 18-23, 25 and 29-34 under 35 USC § 103(a) as being unpatentable over Gasper in view of St. Louis Post-Dispatch Article and further view of the Ottawa Citizen as set forth on pages 3-5. Except for the last paragraph, this is the same rejection set forth in the Examiner's previous rejection of February 27, 2003.

The Examiner, in the last paragraph on page 5, has stated "If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art". The Examiner then goes on to state "Therefore, the stamp of Gasper et al. as modified by the St. Louis Dispatch is capable of being an 'official stamp' stamp depending on the indicia printed on the stamp".

The Gasper et al. (US 5,919,730) is directed to a media for restricting copying of a document that utilized one or more microdots that are embedded in the document for providing a non-visual, but machine detectable mark or marks. The print of Gasper is in no way capable of being an official postal stamp. The St. Louis Dispatch is directed to a hunting stamp that is used to allow individuals to hunt. As will be discussed later here again, neither of these are directed to an official postal stamp to which the present invention is directed. Furthermore, there is no teaching or suggestion or motivation to combine the references as suggested by the Examiner. The Examiner has not provided a single reason why one of ordinary skill in the art would have been motivated to select the references and combine them. A factual inquiry whether to combine references must be thorough and searching. It must be based on objective evidence of records. Conclusionary statements for combining references are insufficient for modifying or combining of references. See in re Lee, 277 Fed, 1388, 61 USPQ 2nd 1430.

The Examiner in paragraph 3, starting on page 6 of the Official Action, has provided a response to Applicant's prior arguments. The Examiner somehow attempts to make the argument that the present invention is not limited to limited edition postal stamps. In this regard, there are at least two instances in independent claim 12 which specifically set forth that the present invention is

directed to a limited edition official postage stamp. In claim 12, first line is directed to "A limited edition official postal stamp", and the third line of claim 12 states that the stamp includes a first indicia identifying said limited edition official postal stamp as being a limited edition. Thus, there are at least two instances in claim 12 that clearly set forth that the present invention is directed to a limited edition official postal stamp. In this regard, Applicant respectfully submits to the Examiner that postal stamp has clear and distinct meaning. The definition of a postage stamp states, as set forth in Webster's II New College Dictionary, that it is "a small engraved adhesive label issued by a government and sold in various denominations to be affixed to items of mail as proof of payment of postage" (see attached Exhibit). The Examiner states that the present invention is not limited to postal stamps. Applicant respectfully submits that this is in contradiction to the clear meaning of the claims. The Examiner has used the definition of stamp in its broadest sense which is contrary to what is clearly set forth in the claims. As previously discussed, the Gasper et al. reference is directed to a document having microdots thereon to indicate the ability to copy the document. A media is not a postal stamp as taught and claimed by Applicant, nor is it a limited edition postal stamp as taught and claimed by Applicant.

With regard to the Examiner stating that "Webster's Dictionary also defines 'observable' as being 'visible', the Examiner goes on to further state if an applicant does not define the term in the specification, that term will be given its common meaning or broadest reasonable interpretation consistent with the specification. In regard to the Gasper et al. reference, something that is not observable means that it cannot be seen or is invisible. Applicant does not argue that Gasper does not teach or suggest items that are not visible on the document, only that the present invention is directed to a very specific invention i.e., a limited edition postal stamp that includes both first and second indicia wherein the first indicia identifies that it is a limited edition official postal stamp which includes a unique ID and that the second indicia is not visible under normal viewing conditions for confirming that the limited edition official postal stamp is a valid limited edition postal stamp. The Examiner states in conclusion, Gasper et al. teaches a printed document (stamp) which comprises first indicia being printed matter on a sheet and second indicia microdots which is not capable of being scanned for reproduction. Then the Examiner goes on to say that the St. Louis

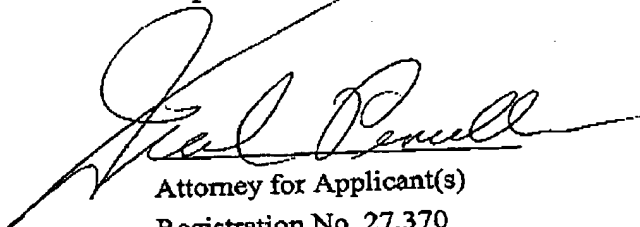
Disptach is relied upon for disclosing the official limited edition stamp having a unique indicia to disclose that it is one out of a predetermined number.

As previously pointed out, neither of these are directed to a postal stamp, and neither of which teach or suggest that combining them one with the other for reasons previously set forth. It is incumbent upon the Examiner to explain why one would take a hunting stamp and somehow combine that with a media that restricts copying which utilizes microdots. It is almost always possible to piecemeal reconstruct an invention. However, in the present instance, not only is there no teaching or suggestion to combine the features of the cited prior art, the prior art totally lacks the teaching of providing first and second indicia as taught and claimed by Applicant.

Applicant respectfully submits that the Examiner must find the claims as currently set forth allowable and if not, present the factual inquiry as to the reasons why the reference may be combined and why the combination would result in the claimed invention. In addition, there must be some showing of some reasonable expectation of success. In the present case, the combining of the references would not be reasonably expected to provide a limited edition postal stamp as taught and claimed by Applicant. The prior art totally lacks any teaching or suggestion of providing such.

Accordingly, Applicant respectfully submits that the claims in their present form are in condition for allowance and such action is respectfully requested.

Respectfully submitted,



Attorney for Applicant(s)

Registration No. 27,370

Frank Pincelli/phw
Rochester, NY 14650

Telephone: 585-~~585-2728~~ 585-2728
Facsimile: 585-477-4646

Webster's II

New College Dictionary



Houghton Mifflin Company
Boston • New York

essed • posthaste

possession 6. To cause to have, hold, or master something, as property or knowledge. 7. To cause to be influenced or controlled, as by an idea or emotion. 8. *Obs.* To gain or seize. — **pos-ses'sion** *n.*
pos-sessed (pə-zes't) *adj.* 1. Having as a possession. 2. Controlled by or as if by a supernatural force: obsessed. 3. Self-possessed.
pos-ses-sion (pə-zesh'ən) *n.* 1. The act or fact of possessing. 2. The state of being possessed. 3. Something possessed or owned. 4. **pos-sessions.** Wealth or property. 5. *Law* Actual holding or occupancy with or without rightful ownership. 6. A territory subject to foreign control. 7. Self-control. 8. The state of being dominated by or as if by evil spirits or an obsession.

pos-ses-sive (pə-zis'iv) *adj.* 1. Of or relating to possession or ownership. 2. Having or displaying a desire to control or dominate <a possessive parent>. 3. Of, relating to, or designating a noun or pronoun case that indicates possession. — *n.* 1. The possessive case. 2. A possessive grammatical form or construction. — **pos-ses'sive-ly** *adv.*
pos-ses'sive-ness *n.*

possessive adjective *n.* A pronominal adjective that expresses possession.

possessive pronoun *n.* A pronoun denoting possession and capable of substituting for a noun phrase.

pos-ses-so-ry (pə-zes'sə-ri) *adj.* 1. Of, relating to, or having possession. 2. *Law* Depending on or arising from possession.

pos-set (pəz't) *n.* [ME *poshet*] A spiced drink of hot sweetened milk curdled with ale or wine.

pos-si-bil-i-ty (pəz'sə-bil'i-tee) *n., pl. -ties.* 1. The state or fact of being possible. 2. Something possible. 3. **possibilities.** Potentially favorable results <This old house has great possibilities>.

pos-si-bile (pəz'sə-bol) *adj.* [ME < OFr < Lat. *possibilis* < *posse*, to be able.] 1. Capable of existing, happening, or being true without contradicting proven facts, laws, or circumstances. 2. Capable of taking place or being done without offense to nature, character, or custom. 3. Capable of favorable development: *potentially* <a possible building site>. 4. Of uncertain likelihood. — **pos-si-bly** *adv.*

pos-sum (pəz'səm) *n.* var. of *opossum*.

possum haw *n.* 1. A holly, *Ilex decidua* of the southeastern United States, with bright-red fruit. 2. A shrub, *Viburnum nudum* of the eastern United States, with white flowers and bluish-black fruit.

post (pəst) *n.* [ME < OE < Lat. *positus*.] 1. A stake of material, as wood, set upright into the ground to serve as a marker or support. 2. A goal post. 3. The starting gate at a racetrack. — *vt.* **post-ed, post-ing, posts.** 1. *a.* To put up (an announcement) in a place of public view. *b.* To cover (e.g., a wall) with posters. 2. To announce by or as if by posters <post marital banns>. 3. To put up signs on (property) warning against trespassing. 4. To denounce publicly <post a person as an embezzler>. 5. To publish (a name) on a list.

post (pəst) *n.* [Fr. *poste* < OItal. *posto* < Vlat. **postum* < Lat. *positum*, p.p. of *ponere*, to place.] 1. *a.* A military base where troops are stationed. *b.* The buildings and grounds of a military base. 2. A local organization of military veterans. 3. A bugle call in the British Army, sounded in the evening as a signal to retire to quarters. 4. An assigned position or station, as of a secretary or guard. 5. A position of employment, esp. an appointed public office. 6. A place to which one is assigned for duty. 7. A trading post. — *vt.* **post-ed, post-ing, posts.** 1. To assign to a particular position or station <post a guard>. 2. To appoint to a military or naval command. 3. To put forward: **PRESENT** <post a bill bond>.

post (pəst) *n.* [Fr. *poste* < Ital. *posta* < Lat. *posita*, p.p. of *ponere*, to place.] 1. *a.* A delivery of mail. *b.* The mail delivered. 2. *a.* One of a series of relay stations along a fixed route, supplying fresh horses and riders for the delivery of mail on horseback. *b.* A rider on such a route: *courier*. 3. *Chiefly Brit.* *a.* A governmental system for transporting and delivering the mail. *b.* A post office. — *v.* **post-ed, post-ing, posts.** — *vt.* 1. To travel in stages or relays. 2. To travel quickly. 3. To bob up and down in the saddle in rhythm with a horse's trotting gait. — *vt.* 1. To send by mail in a system of relays on horseback. 2. To mail (e.g., a letter). 3. To inform of the latest news <keep me posted>. 4. *a.* To transfer (an item) to a ledger in bookkeeping. *b.* To make the necessary entries in (a ledger). 5. To place on a list or in a record. 6. *Computer Sci.* To enter a unit of information on a record or into a section of computer storage. — *adv.* 1. By post horse. 2. By mail. 3. With great speed: **RAPIDLY**.

* **syns:** **POST, ENTER, INSERT, RECORD, REGISTER** *v.* **care** meaning: to place on a list or in a record <posted the names of the major contributors>.

* **word history:** The word *post*, meaning "mail," is ultimately derived from Latin *ponere*, "to place, put in position." This meaning of the word *post* was a result of the method of delivering mail. In the 16th century horsemen were stationed at designated places along certain roads to ride in relays with royal dispatches and other papers. These couriers were called "posts." As the system of mail delivery expanded during the next two centuries, *post* was applied to a delivery of mail and then to the organization responsible for the entire system of delivering mail.

post-*pref.* [Lat. < *post*, behind, after.] 1. After: *later* <postmillennial>. 2. Behind: *posterior* to <postaxial>.

post-age (pə'seɪdʒ) *n.* The charge for mailing an item.

postage meter *n.* A machine used to print the correct amount of postage on each piece of mail.

postage stamp *n.* A small engraved, usu. adhesive label issued by a government and sold in various denominations to be affixed to items of mail as proof of the payment of postage.

post-al (pə'stəl) *adj.* Of or relating to the post office or mail service. — *n.* A postal card. — **post-al-ly** *adv.*

postal card *n.* A card printed with a postage stamp, issued and sold by a government, for sending messages at low rates.

postal order *n.* *Chiefly Brit.* A money order.

postal service *n.* **POST OFFICE** 1.

post-ax-i-al (pəst-ak'si-əl) *adj.* Situated behind an axis of the body, esp. posterior to the ulna of the arm or the fibula of the leg.

post-ax'i-al-ly *adv.*

post-bel-lum (pəst-bəl'əm) *adj.* [Lat. *post*, after + Lat. *bellum*, war.] Happening after a war, esp. the American Civil War.

post-box also **post box** (pəst'bɒks) *n.* A mailbox.

post-card also **post card** (pəst'kɑrd) *n.* 1. An unofficial card, usu. bearing a picture on one side, with space for an address, postage stamp, and short message. 2. A postal card.

post-ca-va (pəst-kə'və) *n.* Anat. The inferior vena cava. — **post-ca-val** *adj.*

post chaise *n.* A closed, four-wheeled, horse-drawn carriage, now used to transport mail and passengers.

post-clas-si-cal (pəst-klas'i-kəl) *adj.* Of, relating to, or being a time following a classical period, as in art, literature, or culture.

post-co-lo-ni-al (pəst'kə-lə-ni-əl) *adj.* Of, pertaining to, or being the time following the establishment of independence in a colony.

post-date (pəst-det) *vt.* -dat-ed, -dat-ing, -dates. 1. To put a date on (e.g., a check) that is later than the actual date. 2. To follow a time: occur later than.

post-di-lu-vi-um (pəst'di-lu-vi-əm) also **post-di-lu-vi-al** (-əl) *adj.* [post + Lat. *diluvium*, flood. — see *DILUVIAL*.] Extending or happening after the Biblical Flood. — *n.* One living after the Biblical Flood.

post-doc-tor-al (pəst-dɒk'tər-əl) also **post-doc-tor-ate** (-t) *adj.* Of, relating to, or engaged in academic study beyond the level of a doctor's degree.

post-er (pə'stər) *n.* 1. A large printed and often illustrated placard, bill, or announcement posted to advertise or publicize something. 2. One who posts bills or notices.

poster (pə'stər) *n.* **ARCHAIC.** One who traveled post.

poster color *n.* **TEMPERA** 1.

poste res-tan-te (pə'stər'ri-stənt) *n.* [Fr. *poste*, mail + *restante*, prepar. of *rester*, to remain.] A notation written on a letter indicating that the letter should be held at the post office until claimed by its addressee.

post-er-i-or (pə'stər'i-ər) *adj.* [Lat., comp. of *posterus*, coming after < *post*, after.] 1. Situated behind a part or toward the rear of a structure. 2. Relating to the caudal end of the body in an animal or the dorsal side in humans. 3. *Bot.* Adjacent to or nearest the main axis or stem. 4. Coming after in order: *subsequent*. 5. Following in time: *subsequent*. — *n.* **often** **posterior**. The buttocks. — **post-er-i-or-ly** *adv.*

post-er-i-or-i-ty (pə'stər'i-ər-i-tee) *n.* The state of being posterior in location or time.

post-er-i-ty (pə'stər-i-tee) *n.* [ME *posterite* < OFr. < Lat. *posterius* < *posterus*, coming after < *post*, after.] 1. Future generations. 2. One's descendants as a group.

post-ern (pə'stər-n) *n.* [ME *posterne* < OFr. *posterna* < Llat. *posterna*, dim. of Lat. *posterus*, behind < *post*, after.] A small rear gate, esp. one in a castle or fort. — *adj.* Located in back or at the side.

poster print *n.* **TEMPERA** 1.

Post Exchange. A service mark for a store on a military base that sells goods to military personnel, their dependents, and authorized civilians.

post-ex-il-i-an (pəst'eg-zil'i-ən, -zil'yan, -ek-zil'i-ən, -zil'yan) also **post-ex-il-ic** (-eg-zil'ik, -ek-zil'ik) *adj.* Of or relating to the period of Jewish history following the Babylonian captivity (after 586 B.C.).

post-fix (pəst'fiks) *vt.* -fix-ed, -fix-ing, -fix-es. To suffix — *a* (post'fiks'). A suffix. — **post-fix'al, post-fix'i-al** *adj.*

post-free (pəst'fri) *adj.* *Chiefly Brit.* Postpaid.

post-gan-gli-on-ic (pəst'gæŋ-gli-ən'ik) *adj.* Located posterior or distal to a ganglion.

post-gla-cial (pəst-glə'shəl) *adj.* Relating to or happening during the time following a glacial period.

post-grad-u-ate (pəst-grə'di-ət) *adj.* Of, relating to, or pursuing advanced study after graduation from high school or college. — *n.* One engaged in postgraduate study.

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